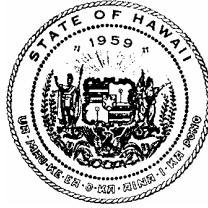


LINDA LINGLE
GOVERNOR



NELSON B. BEFITEL
DIRECTOR
COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
830 Punchbowl Street
Honolulu, Hawaii 96814
PH: (808) 521-3019 Fax: (808) 585-0422

Board Members
Allan Parker, Chair
Roy Akamine
Ernest Balatincz
Ralph Cushnie
Tom Vendetta

Lora Contreras,
Executive Director

APPROVED 7/19/06

Hoisting Machine Operator's Advisory Board Minutes
Tuesday, June 6, 2006
1:00 p.m.
Department of Labor & Industrial Relations Office
HIOSH Training Room
830 Punchbowl Street #425
Honolulu, Hawaii 96814

Members in Attendance: Allan Parker, Roy Akamine, Tom Vendetta, Ralph Cushnie and Ernest Balatincz and Lora Contreras, HMOAB.

Guest: Robert Yoon

Call to order: Quorum was met. The meeting was called to order by Chair Parker at 1:00 p.m.

Minutes of November 15, 2005

Ernest Balatincz moved, seconded by Tom Vendetta to approve the November 15, 2005, minutes as circulated. Motion approved unanimously.

Community Concerns: Mr. Robert Yoon from the City & County of Honolulu shared with the board his concerns regarding his certification on equipment he is operating. He reported that he had been operating a crane for ten years with the City & County. Recently he explained to his supervisor that he should be certified as a crane operator under the new HMOAB administrative rules adopted November 26, 2002. His supervisor disagrees with Mr. Yoon and says that when using the crane his work load does not weigh the required tonnage to validate certification. Therefore HMOAB rules do not apply and Mr. Yoon does not need to be certified. Mr. Yoon feels his supervisor is incorrect with his evaluation and may even be dishonest about the state requirements to be certified. Mr. Yoon has taken his concerns to the union and Mr. James Hardway. Mr. Hardway referred Mr. Yoon to the HMOAB for further clarification. Mr. Yoon wants written documentation on whether or not it's true that if the load chart for the machine printed by the manufacture states the capacity of tons that the machine is able to lift, it means the operator should be certified whether he lifts the capacity tonnage or not. Also discussed was the issue on the definition of "construction" as defined in the DLIR admin rules section 12-50-02.

Chair Parker responded that the load chart for each equipment is stated by the manufacturer and does determine the capacity of the machine which is defined by ASME B30.5 as indicated in the HMOAB administrative rules. However, the operator, his job description and whether or not he should be certified for their company would be determined by his employer.

Further, Chair Parker explained to Mr. Yoon about discussions with the department of labor and the HMOAB on September 30, 2004, ending with Director Befitel's decision determining that the City and County's workers actually maintain grounds and do not do "construction", therefore the HMOAB admin ruled do not apply to their workers.

Board members agreed in discussion that Mr. Yoon's concerns would have to be further determined by a compliance officer who can actually be at the site to determine whether Mr. Yoon and his supervisor are in compliance with the hoisting machine and department of labor's administrative rules and advise the department of the change in their scope of work. Only at that time would the Director possibly be able to review and amend his past decisions on the rules.

Director's Report:

As of this date no crane accidents were reported to the department.

Mr. Daniel Nelson will replace board member Allan Parker on July 1, 2006.

Amendment to HMOAB Administrative Rules

The board continued discussion on the HMOAB rules that are being revised and re-sent to Federal OSHA for approval.

Lora Contreras will ask the DAG to attend the next board meeting for further discussions and clarification on the amendments.

New Business: Outgoing Chair Parker nominated Tom Vendetta to replace him as the new HMOAB Chair. The nomination was seconded by Roy Akamine. The motion was approved unanimously.

Unfinished Business: None

Executive Session: None

Correspondence: None

Announcements: None

Adjournment: Chair Parker adjourned the meeting at 2:22 p.m.

HANDOUTS: New Board Member Packet log

New Board Member Roster

Draft of HMOAB Administrative Rules amendments

New Board Member Daniel Nelson's Governor's Message